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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,808	04/13/2004	Conrad C. Dumbrique	14319	5188

7590

11/15/2006

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EXAMINER

WEBB, TIFFANY LOUISE

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/823,808	DUMBRIQUE, CONRAD C.	
	Examiner	Art Unit	
	Tiffany L. Webb	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 35-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 and 40-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/13/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 35-39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/18/2006.
2. Applicant's election without traverse of Species I in the reply filed on 8/18/2006 is acknowledged.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

4. Claim 40 is objected to because of the following informalities: the last 3 lines of the claim seem to be a separate claim, the examiner suggests deleting the extra claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10, 12-15, and 18-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1 is unclear. "To be deployed" is used to describe the airbag in line 8. The examiner suggests changing the tense of how the deployment is claimed.

7. Claims 2 and 12 recite the limitation "the interior" in line 2 of each claim. There is insufficient antecedent basis for this limitation in the claim. Also in claim 2, "a vehicle" has already been properly anteceded, therefore the examiner suggests changing to "the vehicle."

8. Claim 18 is unclear. In line 4, "without substantial protrusion" is broad and indefinite. The scope of "without substantial" is unclear.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 3-7, 10-11, 16-18, 20-21, 23-24, 27, 29, 31-32, 40-46 and 50, and rejected under 35 U.S.C. 102(b) as being anticipated by Davidson (US 5,474,323).

Regarding claims 1, 16, and 27, Davidson discloses an inflatable airbag module (see Figure 1) for protecting a vehicle occupant comprising: an airbag module cover (12) including a substrate surface (61), an instrument panel adapter (52), and an airbag housing interlock (32, 18), the airbag module cover being adapted to be integrated with an instrument panel substrate to provide a surface suitable for receiving a decorative overlay (see Figures 3-4); an airbag module housing having an airbag case portion (14) and an airbag module cover interlock portion (26, 18), the module housing being adapted to be coupled to the airbag module cover; and an airbag cushion configured to be deployed from the airbag module housing (see Figure 1). Regarding claims 5, 11, 23, and 31, Davidson discloses having an airbag module cover (12) for enclosing a passenger airbag module (see Figure 1), the airbag module cover having a substrate surface (61) configured to receive a decorative overlay (see Figures 3-4), an instrument panel adapter (52), and a plurality of locking fingers (31, 32) extending from the cover in a direction substantially opposite the substrate surface (see Figure 1). Regarding claims 3, 20, and 29, Davidson discloses the instrument panel adapter comprises a radial flange (80) extending from the substrate surface of the airbag module cover (see Figure 1). Regarding claims 4 and 21, Davidson discloses the instrument panel adapter comprises a face of the module cover configured to be attached to an instrument panel (see Figure 1). Regarding claim 6, Davidson discloses the module cover interlock of the

airbag module housing is configured to receive the locking fingers of the module cover in a locking fashion (see Figure 2). Regarding claims 7, 24 and 32, Davidson discloses having a tear seam (58). Regarding claim 10, Davidson discloses the airbag cushion is a passenger-side airbag cushion (see Figure 1). Regarding claim 17, Davidson discloses the airbag module cover adapter of the primary dashboard panel comprises an orifice (50) sized to receive the airbag module cover (see Figure 1). Regarding claim 18, Davidson discloses the orifice of the airbag module cover adapter of the primary dashboard panel further comprises an adapter channel having a depth sufficient to allow the airbag module cover to nest into the substrate surface of the primary dashboard panel without substantial protrusion (see Figure 4). Regarding claims 40-46 and 50, Davidson meets the limitations set forth by the apparatus claims, and further meet the limitations of the claims to the method of constructing the instrument panel. Davidson discloses having an airbag assembly including a cover and airbag housing and inherently can be assembled using the method claimed by the applicant.

11. Claims 1-8, 10-14, 16-18, 20-25, 27, 29-33, and 40-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Goestenkers et al. (US 5,303,951). Regarding claims 1, 16, and 27, Goestenkers et al. discloses an inflatable airbag module (see Figure 2) for protecting a vehicle occupant comprising: an airbag module cover (34) including a substrate surface (32), an instrument panel adapter (62), and an airbag housing interlock (see Figures 5 and 7), the airbag module cover being adapted to be integrated with an instrument panel substrate to provide a surface suitable for receiving a decorative overlay (see Figure 2); an airbag module housing having an airbag case

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portion (44) and an airbag module cover interlock portion (see Figures 2, 5, and 7), the module housing being adapted to be coupled to the airbag module cover; and an airbag cushion configured to be deployed from the airbag module housing (see Figure 2).

Regarding claims 2, 12, 22, and 30, Goestenkers et al. discloses the substrate surface is configured to receive a skin-and-foam (col. 2, lines 38-44) overlay to provide a surface suitable for use in the interior of a vehicle. Regarding claims 5, 11, 23, and 31, Goestenkers et al. discloses having an airbag module cover (34) for enclosing a passenger airbag module (see Figure 2), the airbag module cover having a substrate surface (32) configured to receive a decorative overlay (see Figure 2), an instrument panel adapter (62), and a plurality of locking fingers (92, see Figures 3-10) extending from the cover in a direction substantially opposite the substrate surface (see Figure 5).

Regarding claims 3, 20, and 29, Goestenkers et al. discloses the instrument panel adapter comprises a radial flange (64a) extending from the substrate surface of the airbag module cover (see Figure 2). Regarding claims 4 and 21, Goestenkers et al. discloses the instrument panel adapter comprises a face of the module cover configured to be attached to an instrument panel (see Figure 2). Regarding claim 6, Goestenkers et al. discloses the module cover interlock of the airbag module housing is configured to receive the locking fingers of the module cover in a locking fashion (see Figure 2).

Regarding claims 7, 13, 24 and 32, Goestenkers et al. discloses having a tear seam (86). Regarding claims 8, 14, 15, and 33, Goestenkers et al. discloses the tear seam is molding, stamped or punched into the airbag module cover (col. 3, lines 9-34).

Regarding claim 10, Goestenkers et al. discloses the airbag cushion is a passenger-

side airbag cushion (see Figure 2, col. 1, lines 8-10). Regarding claim 17, Goestenkers et al. discloses the airbag module cover adapter of the primary dashboard panel comprises an orifice (110) sized to receive the airbag module cover (see Figure 2). Regarding claim 18, Goestenkers et al. discloses the orifice of the airbag module cover adapter of the primary dashboard panel further comprises an adapter channel having a depth sufficient to allow the airbag module cover to nest into the substrate surface of the primary dashboard panel without substantial protrusion (see Figure 2). Regarding claims 40-50, Goestenkers et al. meets the limitations set forth by the apparatus claims, and further meet the limitations of the claims to the method of constructing the instrument panel. Goestenkers et al. discloses having an airbag assembly including a cover and airbag housing and inherently can be assembled using the method claimed by the applicant.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 9, 15, 19, 26, 28, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson or Goestenkor et al. in view of Bauer (US 5,744,776). Davidson and Goestenkor et al. are discussed above, individually. Both fail to disclose having a tear seam that is laser scored or having a cover that has no obvious seams. Bauer discloses having an apparatus for laser pre-weakening device for airbag

deployment covers (abstract). Bauer also discloses the tear seams being created to be an invisible seam (col. 2, lines 24-26). It would have been obvious to one having ordinary skill in the art at the time of the invention to have created the tear seam of Davidson or Goestenkor et al. through the laser scoring process of Bauer in order or provide highly accurate and efficient manufacture process.

Conclusion

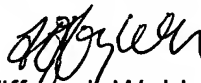
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are airbag instrument panels: Rose et al. (US 6,161,865) and North (US 2004/0145164).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany L. Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tiffany L Webb
Examiner
Art Unit 3616

tlw



11/13/06
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